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October 22, 1997

WRITER'S DIRECT DIAL NUMBER

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William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED
OCT 23 1997
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

Re: GC Docket No. 95-172

Dear Mr. Caton:

On behalf of Rainbow Broadcasting Company and Rainbow Broadcasting, Ltd., there is transmitted herewith and filed an original and eleven (11) copies of their "Motion to Strike".

Should any questions arise with respect to this matter, please contact the undersigned counsel.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS
& HANDLER, LLP

By: Bruce A. Eisen
Bruce A. Eisen

Enclosure

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In re Applications of)
RAINBOW BROADCASTING COMPANY) GC Docket No. 95-172
For an Extension of Time) File No. BMPCT-910625KP
to Construct) File No. BMPCT-910125KE
and) File No. BTCCT-911129KT
For an Assignment of its)
Construction Permit for)
Station WRBW(TV), Orlando, Florida)

TO: The Commission

MOTION TO STRIKE

Rainbow Broadcasting Company and Rainbow Broadcasting, Ltd. (collectively, "Rainbow"), hereby move to strike the Guy Gannett Communications ("Gannett") "Reply to Oppositions to Petition for Leave to Intervene to File Exceptions and Reopen the Record". In support thereof, the following is shown:

On September 26, 1997, Gannett filed its petition requesting leave to intervene in the captioned proceeding. On October 7, 1997, Rainbow and the Separate Trial Staff filed Oppositions. Press Broadcasting Company filed Comments. As a result of those pleadings, the merits of Gannett's position were thoroughly addressed.

Gannett's instant Reply is an unauthorized pleading which must be stricken. Section 1.223 of the Commission's Rules covers Petitions to Intervene and does not confer upon a

petitioner the right to file a reply to an opposition. Section 1.294 of the Rules therefore determines whether or not Gannett can file a reply. Section 1.294(c) does not contemplate a reply to an opposition to a petition for leave to intervene. Gannett has not even requested leave to file its unauthorized pleading. Hence, the Commission should not entertain the reply. See, Section 1.294(b).

In light of the foregoing, the unauthorized "reply" should be stricken.

Respectfully submitted,

RAINBOW BROADCASTING COMPANY

By: Bruce A. Eisen
Bruce A. Eisen

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October 22, 1997

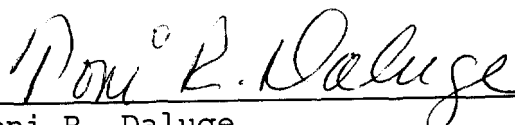
CERTIFICATE OF SERVICE

I, Toni R. Daluge, a secretary in the law firm of Kaye, Scholer, Fierman, Hays & Handler, LLP, do hereby certify that on this 22nd day of October, 1997, a copy of the foregoing "Motion to Strike" was sent via United States mail, postage prepaid, to the following:

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* Hand Delivered